



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459


Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Candace Havens
Director

MEMORANDUM

DATE: March 21, 2014

TO: Alderman Marcia T. Johnson, Chairman
Members of the Zoning and Planning Committee

FROM: Candace Havens, Director of Planning and Development
James Freas, Chief Planner, Long-Range Planning 

RE: #80-13: THE PLANNING DEPARTMENT requesting update discussions of the zoning reform project.

MEETING DATE: March 24, 2014

CC: Board of Aldermen
Planning and Development Board
Donnalyn Kahn, City Solicitor

On March 24th Newton's zoning consultant Code Studio will be returning to present the draft format for the Newton Zoning Ordinance, following the format proposed in the Zoning Assessment Memo of March 25, 2013. Since it is a lengthy document, it is recommended that those unfamiliar with this document review it in advance of the meeting.

A TOUR OF NEWTON'S NEW ZONING ORDINANCE FORMAT

One of the primary goals of phase 1 of the Zoning Reform Project is to reorganize the Zoning Ordinance such that various provisions can be easily found in a logical way. The proposed format accomplishes this objective by organizing the ordinance such that information important to the average user is brought right up to the front and each article clearly identifies its contents. For the average user, the foremost question is, "what can I (or my neighbor) do with my property?" The answer to this question is primarily in the District-based standards, and those are located first, divided by Public/Open Space Districts in Article 2, Residential Districts in Article 3, various commercial or mixed-use type districts in Article 4, and overlay districts in Article 5. Following these articles are the standards for how a property is developed (Article 6: Development Standards), regulations specific to different uses (Article 7: Use Regulations), and finally, the rules if someone is seeking some form of exemption or special

consideration (Article 8: Administration). Definitions are provided glossary-style at the end of the document in Article 9 where they can always be easily found. One of the principles the organization of the ordinance attempts to adhere to is the idea of extractability, which is the notion that it should be very easy to provide a person with only the sections of the ordinance pertinent to their particular question, so related information is clearly labeled and grouped.

Another significant feature of the reformatted ordinance is a far greater use of illustrations and tables. Illustrations make the meaning of the text much more readily apparent, improving understandability. The illustrations demonstrate meaning; they are not regulatory in and of themselves. Only the text of the ordinance, including the tables is legally binding. Tables also improve understandability by clearly and efficiently presenting information.

One of the key aspects of the new ordinance is to begin to set the stage for a shift from a largely land use oriented zoning ordinance to one that recognizes and regulates land use and building form as more distinct issues. As an example, the current ordinance identifies two-family buildings and attached dwellings as different land uses even though the definition of both includes basically the same two-unit building type resulting in a confusing set of rules that attempt to establish a difference between them. By refocussing the zoning ordinance regulations on the building types, the City will be better able to address the design issues that are fundamental to the community concerns raised with regard to many different development projects over the last several years. The new ordinance prepares for this shift in the formatting of the district-based regulations (Article 2-4) in which the organizing structure is around building types with a page devoted to each, and by separating the district-based regulations from the land use regulations (Article 7).

The new ordinance format also utilizes the advantages of new web-enabled technologies. The ordinance itself will include links to pertinent or related provisions within or external to the ordinance such that, with the digital version one could simply click on a link to go to a definition or other related section. Accomplishing this level of usability requires that the City move from the current situation of multiple versions of the ordinance (online, paper, and separately located amendments) to a single up-to-date ordinance available in paper and digital copies. This single ordinance approach will eliminate the confusion created by the current situation for staff, applicants, and the general public identified early in the Phase 1 process.

NEXT STEPS

The Zoning Advisory Group will be tasked with the first review of the reformatted Zoning Ordinance, providing comments to the Planning Department for consideration in a final submitted draft. Staff anticipates bringing this draft ordinance back to the Zoning and Planning Committee in May for discussion and preparation for a public hearing. All Zoning Reform related materials may be found on the Zoning Reform website, <http://www.newtonma.gov/gov/planning/lrplan/zoning/zoningref.asp>.